

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

In re:

Christopher A Ager

Chapter 7

Case No. 10-30529

Honorable Daniel S. Opperman

Debtor

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND ENTRY OF ORDER WAIVING THE PROVISION OF FRBP 4001 (a)(3)**

NOW COMES Movant, National Default Servicing Corporation, by and through its attorneys, Orlans Associates PC, and shows unto this Honorable Court as follows:

1. That Movant is servicing agent of a mortgage currently held by U.S. Bank, N.A., on real property owned by the debtor and located at 2676 North Hickory Street, Owosso, MI 48867. (The following documents are attached: Mortgage and Assignment).
2. That Movant is moving on behalf of U.S. Bank, N.A.
3. That the debtor filed Chapter 7 Bankruptcy on February 3, 2010.
4. That pursuant to the statement of intentions, the debtor is surrendering the property to the Movant.
5. That pursuant to 11 U.S.C. § 362 (d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of an interest in property of such party in interest.
6. That the total debt owing to Movant is approximately \$131,546.32, plus reasonable attorney fees.
7. That the approximate value of the subject property pursuant to Schedule D is \$100,000.00.
8. That as of today's date, said mortgage loan is delinquent and owing for December 1, 2009.

9. That the debtor has no equity in the subject property as the total debt exceeds the market value of the property.
10. That the debtor's account delinquency and lack of equity in the property constitute cause for relief from the automatic stay.
11. That no other parties have an interest in the property located at 2676 North Hickory Street, Owosso, MI 48867 to the knowledge and belief of Movant.
12. That pursuant to Local Bankruptcy rule 9014-1(b)(4) attached is a copy of the proposed Order Granting Relief from the Automatic Stay labeled as Exhibit "A".
13. That Movant request the entry of the order granting relief from the automatic stay shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3).
14. That concurrence was sought, but not received prior to the filing of this motion.

WHEREFORE, Movant respectfully requests that this Court enter an Order Granting Relief from the Automatic Stay pursuant to 11 USC § 362(d) so that it, and its successors and assigns may exercise its rights to pursue its state court remedies with respect to its interest in the subject property, and the entry of the order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3), and whatever other relief the Court deems just and equitable.

Respectfully Submitted,

Date: April 27, 2010

By: /s/ Heather D. McGivern
Heather D. McGivern, Esq. P59393
Email: Hmcgivern@orlans.com
Orlans Associates, P.C.
Attorneys for Movant
P.O. Box 5041
Troy, MI 48007-5041
248-502-1392
File Number: 633.0008